

REMARKS

This Amendment with Request for Reconsideration is filed in response to a Final Office Action of April 16 2009 in which claims 1-4, 7-17, 20-30, 33-39, 82-85, 88-94 and 109-128 were rejected.

Claims 1-128 are cancelled and new claims 129-180 are drafted, as submitted herein, to clarify the subject matter of claimed embodiments and in part to obviate the rejections of the Final Office Action of April 16 2009, wherein all amendments are fully supported by the specification and to a great extent by the subject matter recited in cancelled claims 1-128. In addition, minor typos/errors were corrected in the specification, as submitted herein.

The applicant would like to point out that arguments presented in Remarks of the Amendments submitted to the USPTO on January 21 2009 are fully applied.

Claim Rejections - 35 USC § 103

Examiner's Position:

Claims 1, 10-13, 14, 23-26, 27, 36-39, 82, 91-94 and 109-128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khanokar et al. (U.S. Patent No. 6560443) in view of Wiley et al. (US 7382756).

Claims 2, 3, 15, 16, 28, 29, 83 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khanokar et al. in view of Wiley et al. and further in view of Martenson (US 6219708).

Claims 4, 17, 30 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khanokar et al. in view of Wiley et al. and Martenson and further in view of Richardson (US 2005/0015461).

Claims 7, 20, 23, 33 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khanokar et al. in view of Wiley and further in view of Microsoft Computer Dictionary, 5th Edition.

Claims 8, 9, 21, 22, 22, 34, 35, 89 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khanokar et al. in view of Wiley and Martenson as applied to claims 2, 15, 28 and 83 and further in view of Microsoft Computer Dictionary, 5th Edition.

Applicant's Response:

The applicant would like to emphasize that arguments presented in Remarks of the Amendments submitted to the USPTO on January 21 2009 are fully applied in reference to a selected subject matter contained in newly drafted claims but previously rejected by the Office.

Even though the applicant have found some Examiner's statements inaccurate, especially in light of newly drafted claims, as submitted herein, the applicant would like to make the following comments.

In response to 103(a) rejection starting on page 2 of the Office Action (OA) of April 16, 2009 , wherein the Examiner combined references of Khanolkar et al. (US patent 7,127,7430) and Wiley et al. (US Patent 7,017,185), newly drafted claims clarify the subject matter recited in independent and dependent claims of the present patent application and also clarify/reinforce the difference between the subject matter of the present patent application and the references of Khanolkar et al. and Wiley et al. quoted by the Examiner.

In that regard, the applicant would like to discuss the Examiner's statement on the top of page 4 of the OA of April 16, 2009 that Wiley et al. disclose item (C) of claim 1 of the

present patent application (before the present amendment submitted herein), i.e., "updating the index, based on the data element, with an indication of a location within the first data structure where the data element is recorded" referring to col. 5 lines 25-67 and col. 7 lines 1-51 of Wiley et al.

First, the term "updating" in claim 1 of the claims set amended on 12/18/08 in the Response to the Non-Office Action of September 10, 2008 is not completely accurate based on the specification of the present patent application and may create a confusion about the subject matter of the present patent application, because, according to the specification, the index for a received notification(s) (or transmission event(s)) is first created and not updated (e.g., see Figure 3A, block 320 of the present patent application). In other words, the invention, as shown in block 320 of figure 3a, is about creating this index on the first place (because updating is not possible without creating the index first). Therefore, in a new set of claims submitted herein the terms like "creating index" or "creating a characterization record" is used (but not updating"), even though the "updating" can be performed after "creating", which is obvious to a person skilled in the art. In other words, when we talk about capturing notification event(s) (or transmission event(s)) into a data structure, we create a new characterization record, such as index or summary as disclosed in the specification of the present patent application.

Moreover, the fact that "inaccurate" term "updating" was used/or wrongly interpreted in light of the specification disclosure instead of "creating" in claim 1 (and other independent claims of a similar scope) possibly triggered the Examiner's rejection quoted above, as explained further below.

Indeed, Wiley et al. disclosed root and child datasets 50 (54 and 56) shown in figure 2, such that root datasets having pointers 106, 108, 110 and 112 shown in figure 3 of Wiley et al. which may be updated when child and/or sibling databases are created, such that the root datasets can point out to the child or sibling datasets (e.g., see col. 5, lines 22-25, col. 5, lines 53-56, col. 6, lines 11-15, col. 6, lines 27-28 of Wiley et al.). In case of reciting "updating" the index in claims of the present patent application, the description provided by Wiley et al. can be interpreted, such that root datasets of Wiley et al. with pointers may be equivalent to "index" recited in claim 1, and child (or sibling) datasets may be equivalent to "location" where the data element(s) are recorded.

However, the above "equivalency" cannot be applied if the term "creating" (instead of "updating") is used because (as explained above) the "index", according to embodiments of the present invention, should be created for notification(s) (or transmission event(s)) collected into a data structure, such that created index indicates location(s) of one or more data elements comprised in the received notification(s). Then the disclosure of Wiley et al. would not read onto claim 1, because the root dataset of Wiley is created when child datasets do not exist yet (nothing to point at), and pointing out to a sibling database (having reverse root keyset 102 as shown in figure 3 of Wiley et al.) would not matter, because the pointer(s) in the root dataset in Wiley et al. should indicate the location of data element(s) comprised in the notification(s) for which this root dataset is created (as recited in claim 1 of the present invention).

In other words, since in Wiley et al. a new dataset 50 is automatically created by the dataset generator 62 just for one transmission event as stated in col. 5 lines 22-25 of Wiley et

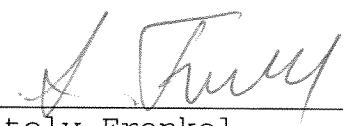
al., then in order to read the disclosure of Wiley et al. onto claim 1 of the present patent application, the created root dataset of Wiley et al. should have a pointer to itself, which apparently is not disclosed by Wiley et al.

CONCLUSION

The objections and rejections of the Final Office Action of April 16, 2009 having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of all claims to issue is earnestly solicited.

Respectfully submitted,
KELLEY DRYE & WARREN LLP
Attorneys and Agent for Applicants

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Anatoly Frenkel
Reg. No. 54,106

400 Atlantic Street
Stamford, CT 06901
Direct Tel.: 203-351-8078
Facsimile: 203-327-2669
e-mail: afrenkel@kelleydrye.com